## THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA WINSTON-SALEM DIVISION FILE NO. 1:19-CV-00766

DERRICK ALLEN,	) ) )	AFFIDAVIT OF
Plaintiff,	)	DEFENDANT JENNIFER
	)	ELWELL
v.	)	
	)	
JENNIFER ELWELL,	)	
	)	
Defendant.	)	
	)	

I, Jennifer Elwell, being first duly sworn, do hereby depose and say:

- 1. I am an adult over eighteen years old, have never been adjudged incompetent, suffer from no mental or emotional illness, and make this affidavit of my own free will, stating facts of which I have personal knowledge.
- 2. For approximately 30 years, from November 1988 through June 2018, I was employed with the State of North Carolina at the North Carolina State Crime Lab ("State Crime Lab").
  - 3. In June 2018, I retired from the State Crime Lab.
- 3. Upon information and belief and according to the United States Marshals Service Process Receipt and Return filed in this matter on April 20, 2022 [D.E. 28], on or about April 1, 2022, a Summons and Complaint in this action was delivered to the State Crime Lab at 121 East Tryon Road, Raleigh, NC 27603.

- 4. Upon information and belief the Certified Mail package containing the Summons and Complaint in this action was left with a receptionist at the State Crime Lab.
- 5. When the Summons and Complaint was left with the receptionist at the State Crime Lab at 121 East Tryon Road, Raleigh, NC 27603, this was neither my place of employment nor my place of residence.
- 6. Upon information and belief, the receptionist eventually gave the paperwork to her superiors, who then eventually forwarded it to me and the North Carolina Attorney General's office.
- 7. I did not sign for the Summons and Complaint or the Certified Mail package on April 1, 2022.
- 6. I did not authorize, nor have I ever authorized, anyone at the State Crime Lab by appointment, by law, or by other means to be served or to accept service of process on my behalf.
- 7. At the time of the delivery of the Summons and Complaint at the State Crime Lab at 121 East Tryon Road, Raleigh, NC 27603, there was no individual at that address who was my authorized agent for service of process in North Carolina, nor did I ever authorize any individual by appointment, by law, or by other means to be served or accept service or process on my behalf.

7. As of the date of the execution of this Affidavit, I have never been personally served with a copy of the Summons or Complaint in this matter.

FURTHER AFFIANT SAYETH NOT

[INTENTIONALLY LEFT BLANK] [EXECUTION PAGE TO FOLLOW] Pursuant to 28 U.S.C. § 1746(2), I, Jennifer Elwell, verify under penalty of perjury that I have reviewed the foregoing affidavit, which will be filed in the matter of *Derrick Allen v. Jennifer Elwell, et al*, Case No.: 1:19-cv-00766, which is currently pending in the United States District Court for the Middle District of North Carolina, and that the contents thereof are true and correct, in substance and in fact, to the best of my knowledge and belief.

Executed on this the 7th day of June, 2022.

Jennifer Elwell

Jennifer A Elwell